Practitioner's Docket No. 3/44.0/A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application Assistant Commissioner for Patents Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of Inventor(s):

WARNING: 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For title:

METHOD AND SYSTEM FOR PROVIDING INSURANCE PROTECTION AGAINST LOSS OF RETIREMENT ACCUMULATIONS IN A TAX FAVORED DEFINED CONTRIBUTION PLAN IN THE EVENT OF A PARTICIPANT'S DISABILITY.

CERTIFICATION UNDER 37 C.F.R. § 1.10*

(Express Mail label number is mandatory.) (Express Mail certification is optional.)

dressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

JOSEPH E. GERBER (type or print mame of person mailing paper)

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be

used to obtain a date of mailing or transmission for this correspondence.

*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this

requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442. (New Application Transmittal [4-1]-page 1 of 11)

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t.	Type o	ot Applica		_	
T	his nev	applicat	S	for	a(n)



(check one applicable item below)

Original (nonprovisional)
/ □ Design
☐ Plant
WARNING: Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. § 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.
WARNING: Do not use this transmittal for the filing of a provisional application.
NOTE: If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.
☐ Divisional.
☐ Continuation.
☐ Continuation-in-part (C-I-P).
Renefit of Prior U.S. Application(s) (35 U.S.C. && 110(a) 120, or 121)

cation(s) (35 U.S.C. §§ 119(e), 120, or 121)

NOTE: A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. § 112. Each prior application must also be:

- (i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or
 - (ii) Complete as set forth in § 1.51(b); or
- (iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or
- (iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(I) within the time period set forth in § 1.53(f).

37 C.F.R. § 1.78(a)(1).

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICA-TION(S) CLAIMED.

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §\$ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

(New Application Transmittal [4-1]—page 2 of 11)

FORM 4-1

WARNING:	When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(3).
	The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.
3. Papers	s Enclosed
•	uired for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 sign) Application
<u>36</u> Pa	ages of specification
	ages of claims
	neets of drawing
	DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 C.F.R. § 1.84, see Notice of March 9, 1988 (1990 O.G. 57-62).
inv the or	dentifying indicia, if provided, should include the application number or the title of the invention, ventor's name, docket number (if any), and the name and telephone number of a person to call if e Office is unable to match the drawings to the proper application. This information should be placed the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top the page " 37 C.F.R. § 1.84(c)).
	(complete the following, if applicable)
	The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. § 1.84(b).
	formal
X	informal
B. Oth	er Papers Enclosed
Pa	ages of declaration and power of attorney
Pa	ages of abstract
0	ther
4. Additi	onal papers enclosed
	Amendment to claims
	☐ Cancel in this applications claims before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
	Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
	Preliminary Amendment
	Information Disclosure Statement (37 C.F.R. § 1.98)
	Form PTO-1449 (PTO/SB/08A and 08B)
	Citations
	(New Application Transmittal [4-1]—page 3 of 11)

L		Secretarion & Bistratum turboate
[Submission "Sequence Listing," computer readable by and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
. [Authorization of Attorney(s) to Accept and Follow Instructions from Representative
		Special Comments
[Other
5. De	clar	ration or oath (including power of attorney)
NOTE:	the by ap, the by be de pe.	newly executed declaration is not required in a continuation or divisional application provided that a prior nonprovisional application contained a declaration as required, the application being filed is all or fewer than all the inventors named in the prior application, there is no new matter in the plication being filed, and a copy of the executed declaration filed in the prior application (showing a signature or an indication thereon that it was signed) is submitted. The copy must be accompanied a statement requesting deletion of the names of person(s) who are not inventors of the application ing filed. If the declaration in the prior application was filed under § 1.47, then a copy of that claration must be filed accompanied by a copy of the decision granting § 1.47 status or, if a nonsigning rson under § 1.47 has subsequently joined in a prior application, then a copy of the subsequently ecuted declaration must be filed. See 37 C.F.R. §§ 1.63(d)(1)—(3).
NOTE:	is o ab co	declaration filed to complete an application must be executed, identify the specification to which it directed, identify each inventor by full name including family name and at least one given name, without breviation together with any other given name or initial, and the residence, post office address and untry or citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 F.R. § 1.63(a)(1)–(4).
Ε	J	Enclosed
		Executed by
		(check all applicable boxes)
		inventor(s).
		☐ legal representative of inventor(s). 37 C.F.R. §§ 1.42 or 1.43.
		 joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
·		☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.
[Not Enclosed.
NOTE:	the ma	here the filing is a completion in the U.S. of an International Application or where the completion of a U.S. application contains subject matter in addition to the International Application, the application by be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE OR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.
		☐ Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of <i>all</i> the above named inventor(s).
(The	e de	claration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e) can be filed subsequently).
	•	Showing that the filing is authorized. (not required unless called into question. 37 C.F.R. § 1.41(d)) (New Application Transmittal [4-1]—page 4 of 11)

6. invent	orsnip Statement
WARNING:	If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.
The inve	ntorship for all the claims in this application are:
	The same.
	or
	Not the same. An explanation, including the ownership of the various claims a the time the last claimed invention was made,
	is submitted.
	☐ will be submitted.
7. Langu	age
Ar. red	n application including a signed oath or declaration may be filed in a language other than English in English translation of the non-English language application and the processing fee of \$130.0 quired by 37 C.F.R. § 1.17(k) is required to be filed with the application, or within such time as may set by the Office. 37 C.F.R. § 1.52(d).
	English
	Non-English
	The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).
8. Assign	nment
	An assignment of the invention to
	☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTG 1595 is also attached.
•	□ will follow.
NOTE: "II ar	f an assignment is submitted with a new application, send two separate letters-one for the application one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).
WARNING	A newly executed "CERTIFICATE UNDER 37 C.F.R. § 3.73(b)" must be filed when a continuation in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

(New Application Transmittal [4-1]—page 5 of 11)

(Rel.78-12/98 Pub.605)

9. Certified Copy

Country	. Ap	ppln. No.		Filed
Country	Ap	opln. No.	<u> </u>	Filed
Country	Ap	pln. No.		Filed
from which priority is clair	ned			
☐ is (are) attache	d.			
☐ will follow.				
NOTE: The foreign application declaration. 37 C.F.R.		or the claim for p	priority must be	referred to in the oath or
U.S. application or Into § 120 is itself entitled	emational Application to priority from a prior	from which this foreign applicat	application clair ion, then compl	ectly relates. If any parent ns benefit under 35 U.S.C. ete item 18 on the ADDED IOR U.S. APPLICATION(S)
10. Fee Calculation (37	C.F.R. § 1.16)			
A. Regular applica	tion		•	
	01.411.40	40 EU ED		
	 	AS FILED	· · · · · · · · · · · · · · · · · · ·	
Number filed	Number	Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$760.00
Total				
Claims (37 C.F.R. § 1.16(c))	- 20 =	ċ	\$ 18.00	
ndependent	- 20 -	×	\$ 10.00	
Claims (37 C.F.R.			•	
§ 1.16(b))	- 3 =	×	\$ 78.00	
Multiple dependent claim(s if any (37 C.F.R. § 1.16(c)	• •	+	\$260.00	
- Amandment an				· · · · · · · · · · · · · · · · · · ·
	ncelling extra clai			
*	leting multiple-de			
	aims is not being			
NOTE: If the fees for extra clair prior to the expiration notice of fee deficience	of the time period set	t for response b		cancelled by amendment, d Trademark Office in any
	Filing Fee Cal	culation		\$
B. Design applicat (\$310.00—37 C			,	-
	Filing Fee Cal	culation		\$
C. Plant application (\$480.00—37 C		*		
,,	3 (3//			
	Filing fee calc	ulation		\$

FORM 4-1

4-8

Statement(s) that this is a filing by a small entity under 37 C.F.R. § 1.9 and 1.27 is (are) attached.

WARNING: "Status as a small entity must be specifically established in each application or patent in which the status is available and desired. Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. The refiling of an application under § 1.53 as a continuation, division, or continuation-in-part (including a continued prosecution application under § 1.53(d)), or the filing of a reissue application requires a new determination as to continued entitlement to small entity status for the continuing or reissue application. A nonprovisional application claiming benefit under 35 U.S.C. § 119(e), 120, 121, or 365(c) of a prior application, or a reissue application may rely on a statement filed in the prior application or in the patent if the nonprovisional application or the reissue application includes a reference to the statement in the prior application or in the patent or includes a copy of the statement in the prior application or in the patent and status as a small entity is still proper and desired. The payment of the small entity basic statutory filing fee will be treated as such a reference

WARNING: "Small entity status must not be established when the person or persons signing the . . . statement can **unequivocally** make the required self-certification." M.P.E.P., § 509.03, 6th ed., rev. 2, July 1996 (emphasis added).

(complete the following, if applicable)

Status as a small entity was claimed in prior application
/, filed on, from which benefit
is being claimed for this application under:
35 U.S.C. § ☐ 119(e), ☐ 120, ☐ 121, ☐ 365(c),
and which status as a small entity is still proper and desired.
☐ A copy of the statement in the prior application is included.
Filing Fee Calculation (50% of A, B or C above)
\$

NOTE: Any excess of the full fee paid will be refunded if small entitiy status is established and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136. 37 C.F.R. § 1.28(a).

12. Request for International-Type Search (37 C.F.R. § 1.104(d))

for purposes of this section." 37 C.F.R. § 1.28(a)(2).

(complete, if applicable)

☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

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3.	Fee	Payn	nent Bei Made at This Time			
		Not	Enclose	,		
			No filing fee is to be paid at this time. (This and the surcharge required by 37 C.F.R. § subsequently.)	1.16(e)	can be p	aid
		Enc	losed			
			Filing fee	\$		
			Recording assignment (\$40.00; 37 C.F.R. § 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION".)	\$		
			Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i))	\$		
		_		•		
		LJ	For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k))	\$		
			Processing and retention fee (\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l))	\$		
•			Fee for international-type search report (\$40.00; 37 C.F.R. § 1.21(e))	\$		
NO	3	ailing t 37 C.F. either t	R. § 1.21(I) establishes a fee for processing and retaining any appli o complete the application pursuant to 37 C.F.R. § 1.53(f) and thi R. §§ 1.53 and 1.78(a)(1), indicate that in order to obtain the benef he basic filing fee must be paid, or the processing and retention for I year from notification under § 53(f).	s, as well it of a pric	as the change or U.S. applica	es to ation,
			Total fees enclosed	\$	0	
4.	Met	hod	of Payment of Fees			
		Che	eck in the amount of \$			
		\$	arge Account No.	in the	e amount	of
			iuplicate of this transmittal is attached.	., .		
NO		Fees st S 1.22	nould be itemized in such a manner that it is clear for which purpose (b).	the fees	are paid. 37 C	.r.H.

(New Application Transmittal [4-1]—page 8 of 11)

15. Au	thorization to Charge Additional Fees
WARNI	NG: If no fees are to be paid on filing, the following items should not be completed.
WARNI	NG: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.
	The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No.
	☐ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
	37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)
NOTE:	Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.
	37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
	☐ 37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a)).
	☐ 37 C.F.R. § 1.17 (application processing fees)
NOTE:	" A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to

requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for

an extension of time under this paragraph for its timely submission. Submission of the fee set forth in

§ 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . the issue fee. . ." From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

(New Application Transmittal [4-1]—page 9 of 11)

 Reg. No. 32,354	SI
Tel. No. (916) 558-6000	(ty

Customer No. 20940

.u. .nstructions as to Overpayment

☐ Credit Account No. _

nty-five dollars or less will not be returned unle

be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

or will the payer be notified of such amounts; amounts over twenty-five dollars may

cifically requested within

NOTE: ". . . Amounts a reasonable time,

XX Refund

SIGNATURE OF PRACTITIONER		
JOSEPH E. GERBER		
(type or print name of attorney)		
400 CAPITOL MALL, // TH FLOOR		
P.O. Address		
SACRAMENTO, CA 95814		
•		

(New Application Transmittal [4-1]—page 10 of 11)

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FORM 4-1

4-12

Incor	poration by reference of added pages
pi st th	heck the following item if the application in this transmittal claims the benefit of rior U.S. application(s) (including an international application entering the U.S. age as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF RIOR U.S. APPLICATION(S) CLAIMED)
	Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed
	Number of pages added
	Plus Added Pages for Papers Referred to in Item 4 Above
	Number of pages added
	Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.
	Number of pages added
	Plus "Assignment Cover Letter Accompanying New Application"
	Number of pages added
State	ment Where No Further Pages Added
	no further pages form a part of this Transmittal, then end this Transmittal with is page and check the following item)
M	This transmittal ends with this page.